

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 65th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Alan Doane, on February 22, 2017 at 8:00 AM, in Room 137
Capitol

ROLL CALL

Members Present:

Rep. Alan Doane, Chair (R)
Rep. Seth Berglee, Vice Chair (R)
Rep. Virginia Court, Vice Chair (D)
Rep. Bob Brown (R)
Rep. Jennifer Eck (D)
Rep. Bill Harris (R)
Rep. Ellie Hill Smith (D)
Rep. Kathy Kelker (D)
Rep. Theresa Manzella (R)
Rep. Nate McConnell (D)
Rep. Shane A. Morigeau (D)
Rep. Dale Mortensen (R)
Rep. Zac Perry (D)
Rep. Lola Sheldon-Galloway (R)
Rep. Barry Usher (R)
Rep. Kirk Wagoner (R)

Members Excused:

Rep. Laurie Bishop (D)
Rep. Casey Knudsen (R)
Rep. Matt Regier (R)

Members Absent: None

Staff Present: Sara Fleming, Committee Secretary
Helen Thigpen, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 482, 2/17/2017; HB 479, 2/17/2017; HJ 10, 2/17/2017;
HB 478, 2/17/2017; HB 480, 2/17/2017

Executive Action: HB 441, HB 463, HB 472, HB 493, HB 524, HB 406, HB 478, HB 482

HEARING ON HB 482

Opening Statement by Sponsor:

00:01:34 Rep. Jennifer Eck (D), HD 79, opened the hearing on HB 482, Revise incest laws.

[EXHIBIT\(juh39a01\)](#)

Proponents' Testimony:

00:04:05 Ollie Olson, Department of Justice (DOJ)

00:07:22 Melissa Broch, Self

00:09:43 Robin Turner, Montana Coalition Against Domestic and Sexual Violence (MCADSV)

[EXHIBIT\(juh39a02\)](#)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

00:13:55 Rep. Eck

HEARING ON HJ 10

Opening Statement by Sponsor:

00:16:46 Rep. Ellie Hill Smith (D), HD 90, opened the hearing on HJ 10, Disapprove Supreme Court rules on substitution.

Proponents' Testimony: None

Opponents' Testimony:

00:27:22 Chief Justice Mike McGrath, Montana Supreme Court

00:33:54 Rep. Bishop joined the meeting

00:34:58 Justice John Larson, Missoula County

00:37:54 Ed Bartlett, Montana Judges Association

00:39:19 Greg Mohr, Montana Magistrates Association

Informational Testimony: None

Questions from Committee Members and Responses:

00:39:45 Rep. B. Brown

00:40:14 Justice John Larson, Missoula County

00:40:43 Rep. Kelker

00:41:09 Chief Justice Mike McGrath, Montana Supreme Court

00:41:45 Rep. McConnell

00:42:09 Rep. Hill Smith

00:43:10 Rep. Regier joined the meeting

00:44:20 Rep. Usher

00:44:52 Rep. Hill Smith

00:47:42 Rep. Usher
00:48:22 Chief Justice Mike McGrath, Montana Supreme Court
00:49:40 Rep. McConnell
00:49:57 Chief Justice Mike McGrath, Montana Supreme Court
00:50:10 Rep. Harris
00:50:35 Rep. Hill Smith

Closing by Sponsor:

00:52:46 Rep. Hill Smith

00:54:07 Recess

01:02:22 Reconvene

HEARING ON HB 479**Opening Statement by Sponsor:**

01:03:27 Rep. Ellie Hill Smith (D), HD 90, opened the hearing on HB 479, Generally revise criminal law related to juveniles.

Proponents' Testimony:

01:05:44 SK Rossi, American Civil Liberties Union (ACLU)

01:06:36 Beth Brenneman, Disability Rights Montana

01:07:17 Robin Turner, Montana Coalition Against Domestic and Sexual Violence (MCADSV)

Opponents' Testimony:

01:08:24 Justice John Larson, Missoula County

Informational Testimony: None**Questions from Committee Members and Responses:**

01:12:34 Rep. McConnell
01:12:54 Rep. Hill Smith
01:14:10 Rep. Kelker
01:14:42 Rep. Hill Smith
01:15:00 Beth Brenneman, Disability Rights Montana
01:16:38 Chair Doane
01:16:59 Beth Brenneman, Disability Rights Montana
01:18:12 Rep. Court
01:18:30 Rep. Hill Smith
01:20:21 Rep. Harris
01:21:42 Beth Brenneman, Disability Rights Montana
01:22:01 Rep. C. Knudsen joined the meeting
01:23:01 Rep. Usher
01:24:39 Rep. Hill Smith
01:25:05 Justice John Larson, Missoula County
01:27:11 Rep. B. Brown
01:27:54 Rep. Hill Smith
01:31:28 Beth Brenneman, Disability Rights Montana
01:31:50 Rep. Court

01:32:03 Rep. Usher
01:32:15 Rep. Court
01:32:39 Rep. Harris
01:33:12 Chair Doane
01:33:22 Beth Brenneman, Disability Rights Montana

Closing by Sponsor:

01:34:00 Rep. Hill Smith

HEARING ON HB 478

Opening Statement by Sponsor:

01:36:21 Rep. Ellie Hill Smith (D), HD 90, opened the hearing on HB 478, Prohibit use of tanning devices for person under 18 years old absent consent.

Proponents' Testimony:

01:39:26 Aimee Grmoljez, Billings Clinic

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:42:33 Rep. Sheldon-Galloway
01:43:27 Aimee Grmoljez, Billings Clinic

Closing by Sponsor:

01:44:12 Rep. Hill Smith

HEARING ON HB 480

Opening Statement by Sponsor:

01:45:48 Rep. Ellie Hill Smith (D), HD 90, opened the hearing on HB 480, Generally revise criminal law for restoring rights to possess firearms.

[EXHIBIT\(juh39a03\)](#)

[EXHIBIT\(juh39a04\)](#)

[EXHIBIT\(juh39a05\)](#)

Proponents' Testimony:

01:51:46 Beth Brenneman, Disability Rights Montana
01:53:03 SK Rossi, American Civil Liberties Union (ACLU)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:53:46 Rep. Sheldon-Galloway
01:54:35 Rep. Hill Smith
01:56:56 Rep. Usher

01:57:21 Rep. Hill Smith
02:00:02 Rep. Berglee
02:01:17 Beth Brenneman, Disability Rights Montana
02:03:42 Rep. Harris
02:05:22 Rep. Hill Smith
02:08:42 Rep. Bishop
02:09:27 Rep. Hill Smith

Closing by Sponsor:

02:10:12 Rep. Hill Smith

Committee Business:

02:10:53 Rep. Berglee
02:11:12 Chair Doane
02:11:36 Rep. Sheldon-Galloway

02:11:56 Recess
02:41:56 Reconvene

EXECUTIVE ACTION ON HB 441**Discussion:**

02:42:10 Helen Thigpen, Legislative Services Division (LSD)

02:42:32 **Motion:** Rep. Berglee moved that **HB 441 DO PASS.**

Discussion:

02:42:36 Rep. Kelker
02:43:39 Rep. Usher
02:44:27 Rep. Court
02:45:01 Rep. Manzella

02:45:33 **Vote:** Motion failed 5-14 by roll call vote with Rep. Berglee, Rep. B. Brown, Rep. Doane, Rep. C. Knudsen and Rep. Sheldon-Galloway voting aye. Rep. Wagoner voted by proxy.

02:46:40 **Motion:** Rep. Court moved that **HB 441 BE TABLED.** Motion carried.

EXECUTIVE ACTION ON HB 406**Discussion:**

02:46:54 Helen Thigpen, LSD

02:47:25 **Motion:** Rep. Berglee moved that **HB 406 DO PASS.**

Discussion:

02:47:40 Helen Thigpen LSD

02:48:08 **Motion:** Rep. Berglee moved that **HB 406 BE AMENDED.**

EXHIBIT(juh39a06)

02:48:18 **Vote:** Motion carried 11-8 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting no. Rep. Wagoner voted by proxy.

02:49:20 **Motion:** Rep. Berglee moved that **HB 406 DO PASS AS AMENDED.**

Discussion:

02:49:30 Rep. Bishop

02:50:57 Rep. Harris

02:51:31 Rep. Court

02:52:05 **Vote:** Motion carried 11-8 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting no.

EXECUTIVE ACTION ON HB 493

Discussion:

02:53:22 Helen Thigpen, LSD

02:53:36 **Motion:** Rep. Berglee moved that **HB 493 DO PASS.**

Discussion:

02:53:40 Rep. Court

02:56:06 Rep. Eck

02:57:12 Rep. Sheldon-Galloway

02:57:55 Sen. Facey

02:58:19 **Vote:** Motion failed 8-11 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting aye.

02:59:59 **Motion:** Rep. Court moved that **HB 493 BE TABLED.** Without objection.

EXECUTIVE ACTION ON HB 450

Discussion:

03:00:31 Helen Thigpen, LSD

03:01:03 Chair Doane

03:01:32 **Motion:** Rep. Berglee moved that **HB 450 DO PASS.**

Discussion:

03:01:39 Rep McConnell

03:01:52 Chair Doane

03:02:12 Rep. B. Brown

03:02:43 Rep. Harris

03:03:02 **Motion:** Rep. Doane moved that **HB 450 BE POSTPONED.** Motion carried.

EXECUTIVE ACTION ON HB 524**Discussion:**

03:03:31 Helen Thigpen, LSD

03:03:47 **Motion:** Rep. Berglee moved that **HB 524 DO PASS.**

Discussion:

03:03:52 Rep. Kelker

Discussion:

03:05:08 Chair Doane

03:05:12 Helen Thigpen, LSD

03:05:47 Rep. Berglee

03:06:14 Chair Doane

03:06:28 **Motion/Vote:** Rep. Berglee moved that **HB 524 BE AMENDED.** Motion carried unanimously by voice vote.

03:06:46 **Motion:** Rep. Berglee moved that **HB 524 DO PASS AS AMENDED.**

Discussion:

03:06:54 Rep. C. Knudsen

03:07:06 Rep. Eck

03:07:30 Rep. Manzella

03:07:40 Helen Thigpen, LSD

03:08:07 Rep. Kelker

03:08:26 Rep. Usher

03:08:44 Helen Thigpen, LSD

03:08:52 **Vote:** Motion failed 7-12 by roll call vote with Rep. Berglee, Rep. B. Brown, Rep. Doane, Rep. Harris, Rep. C. Knudsen, Rep. Mortensen and Rep. Wagoner voting aye.

03:09:58 **Motion/Vote:** Rep. Court moved that **HB 524 BE TABLED.** Motion carried 18-1 by voice vote with Rep. Usher voting no.

EXECUTIVE ACTION ON HB 463**Discussion:**

03:10:41 Helen Thigpen, LSD

03:10:55 **Motion:** Rep. Berglee moved that **HB 463 DO PASS.**

Discussion:

03:11:02 Rep. Kelker

03:13:10 Rep. Morigeau

03:16:04 Rep. Bishop left the meeting

03:17:15 Rep. Harris

03:18:41 Rep. C. Knudsen

03:19:04 Rep. Mortensen
03:19:23 Rep. Court
03:20:22 Rep. B. Brown
03:22:15 Rep. Morigeau
03:23:28 Rep. Usher
03:24:54 Chair Doane

03:25:22 **Vote:** Motion failed 2-17 by roll call vote with Rep. Court and Rep. Kelker voting aye. Rep. Bishop voted by proxy.

03:26:21 **Motion:** Rep. Court moved that **HB 463 BE TABLED**. Motion carried.

EXECUTIVE ACTION ON HB 472

Discussion:

03:26:43 Helen Thigpen, LSD

03:27:03 **Motion/Vote:** Rep. Berglee moved that **HB 472 BE TABLED**. Motion carried unanimously by voice vote. Rep. Bishop voted by proxy.

EXECUTIVE ACTION ON HB 482

03:27:39 **Motion:** Rep. Berglee moved that **HB 482 DO PASS**.

Discussion:

03:27:58 Rep. C. Knudsen
03:28:31 Rep. Eck
03:30:16 Rep. B. Brown
03:30:43 Rep. Eck

03:32:17 **Vote:** Motion carried unanimously by voice vote. Rep. Bishop voted by proxy.

EXECUTIVE ACTION ON HB 478

03:32:51 **Motion/Vote:** Rep. Berglee moved that **HB 478 DO PASS**. Motion carried 13-5 by roll call vote with Rep. C. Knudsen, Rep. Manzella, Rep. M. Regier, Rep. Sheldon-Galloway and Rep. Wagoner voting no. Rep. Bishop voted by proxy.

ADJOURNMENT

Adjournment: 03:34:03

Sara Fleming, Secretary

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Additional Documents:

EXHIBIT([juh39aad.pdf](#))